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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/548,730 04/13/00 LEFKI

K PHN-17.383

QM12/1109

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EXAMINER

FARAH, A

ART UNIT

PAPER NUMBER

3739

DATE MAILED:

11/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/548,730**

Applicant(s)  
**Lefki et al.**

Examiner  
**A. Farah**

Art Unit  
**3739**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 7 20) ☐ Other:

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## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities:

- a) the abstract is more than one paragraph,
- b) the terms 'means, invention, and said', which appear several lines in the body of the abstract are illegal phraseology.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zalvislan et al. US. Pat. No. 5,653,706 in view of Asah et al. US. Pat. No. 6,074,382.

Zalvislan discloses hair removing system with electronic visualization of the area being treated. As described by the applicant, Zalvislan's device, which is designed for use by a professional individual, comprises:

a) laser source, which provides a laser beam that is well absorbed by the tissue being treated,

b) ~~illumination~~ means over the treatment area, <sup>handpiece 10, which delivers vibrational light</sup>

c) image sensor, which provides a visual image of the treatment area, and

d) controls member by means of which the user can operate, manipulate, or guide the laser beam over the treatment area. <sup>(see Fig 8)</sup>

However, Zalvislan does not teach or suggest that his system can be automated or electronically controlled by the imaging system (in a manner similar to the instant claims), so as to enable untrained individual or a patient to use the system.

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Asah teaches an alternative hair removal system comprising a light emitter for emission of the treatment light, detector for detecting at least one tissue parameter at the target site, and a controller for controlling at least one parameter of the treatment light. He further states that "without control of tissue treatment, removal of hair is a difficult task to perform" as large number of hair follicles have to be pinpointed by the operator (see Col. 8, lines 6-20). Due to this difficulty, Asah automates his system so that the imaging system determines the position of hair follicles from information contained in the image received from area being treated and in turn controls the irradiation of the treatment light based on said information. Thus, it would have been obvious to one having the ordinary skill in the art at the time of the applicant's invention to modify Zalvislan in view of Asah to automate the hair removal device, as claimed and also as suggested by Asah, in order to reduce the treatment duration that is needed for the removal of all hair.

Col 8, lines 24-35

see the abstract and col 1 ^

^

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the following references:

- |                     |                         |
|---------------------|-------------------------|
| 1. Yamazaki et al.  | U.S. Pat. No. 4,813,412 |
| 2. Zalvislan et al. | U.S. Pat. No. 5,995,867 |
| 3. Danon            | U.S. Pat. No. 5,049,147 |
| 4. Bille et al.     | U.S. Pat. No. 4,901,718 |

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5. Azar

U.S. Pat. No. 6,214,034 B1

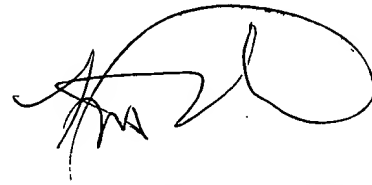
6. Xie

U.S. Pat. No. 6,149,644

7. Spertell

U.S. Pat. No. 6,104,959

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Farah whose telephone number is (703) 305-5787. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Linda Dvorak, can be reached on (703) 308-0994. The fax number for the Examiner is (703) 746-3368.



LINDA C. M. DVORAK  
SUPERVISORY PATENT EXAMINER  
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